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R E M A R K S

Claims 1, 8, 9 and 10 have been amended. Ten claims are pending in the application: Claims 1-10. Reconsideration of the pending claims is respectfully requested.

Amendments to the claims

1. Applicants submit that no new matter has been added in the present amendment to the claims. Support for the amendments can be found throughout the originally filed specification, drawing and claims. Specifically, support can be found at page 23, line 17 through page 24, line 15. Additional support can be found at page 7, lines 5-11, and page 12, lines 7-15.

Rejection under 35 U.S.C. 103(a)

2. Claims 1-6, and 8-10 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,505,169 (Bhagavath et al.) in view of U.S. Patent No. 6,080,207 (Kroening et al.).

Bhagavath et al. disclose a system for dynamically inserting advertisements into streaming video content. The advertisements are inserted into the streaming video based upon a realization of conditions preselected by the presenter of the streaming media content and by the source of the advertising/announcements (Col. 2, lines 1-2). The system uses XML files to characterize the video content and

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advertising content and to profile the recipients of the programming and to control the advertisement insertion into the streaming video content (Col. 2, lines 30-37).

Kroening et al. further disclose the creating of a disk image of a desired software configuration and transferring the image to a storage device.

In the Final office action the Examiner points out "that the representation of video/audio content as recited [by Applicants' claims] does not explicitly call for it being a definition of how the video/audio content is displayed."

Applicants have amended all of the independent claims to recite "the representation of the audio/video content defining how the video/audio content is to be displayed."

Additionally, for example in claim 1, Applicants have amended the claim to recite "combining the image with the video/audio content." Applicants have made similar amendments to independent claims 8-10. The combination of the two amendments clearly recites both "video/audio content" and "the representation of the audio/video content defining how the video/audio content is to be displayed" as two different limitations and thus, the representation of the video/audio content can not be the actual video/audio content.

The combination of these two amendments to the claims should address the Examiner's concern that the representation of the video/audio content could be equated to the streaming media content as asserted on page 3 of the final rejection. Thus, the representation of video/audio content can no longer be interpreted as being streaming video or streaming ads.

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Applicants submit that *Bhagavath et al.* do not teach or suggest "generating authoring output comprising a definition for a variable, and further comprising a representation of the video/audio content, the representation of the video/audio content defining how the video/audio content is to be displayed; generating an image as a function of the programmatic content and the representation of the video/audio content; and combining the image with the video/audio content." Applicants have clarified that "the representation of the video/audio content" and the actual "video/audio content" are separate elements with the present amendments to the claims.

Furthermore, Applicants submit that *Kroening et al.* do not teach or suggest "generating authoring output comprising a definition for a variable, and further comprising a representation of the video/audio content, the representation of the video/audio content defining how the video/audio content is to be displayed; generating an image as a function of the programmatic content and the representation of the video/audio content; and combining the image with the video/audio content," as claimed by Applicants.

Therefore, the combination of *Bhagavath et al.* and *Kroening et al.* do not teach Applicants claimed invention and independent claims 1 and 8-10 are in condition for allowance.

Furthermore, dependent claims 2-6 are in condition for allowance at least because of their dependency upon allowable independent claim 1.

3. Claim 7 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,505,169 (*Bhagavath et*

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al.) in view of U.S. Patent No. 6,080,207 (*Kroening et al.*) and further in view of U.S. Patent No. 5,860,068 (*Cook*).


As described above, independent claim 1 is not disclosed or suggested by the combination of *Bhagavath et al.* and *Kroening et al.* Furthermore, *Cook* does not disclose, "generating authoring output comprising a definition for a variable, and further comprising a representation of the video/audio content, the representation of the video/audio content defining how the video/audio content is to be displayed; generating an image as a function of the programmatic content and the representation of the video/audio content; and combining the image with the video/audio content," such as is claimed by Applicants. Thus, as for the same reasons as stated above the rejection is overcome and claim 7 is in condition for allowance.

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C O N C L U S I O N

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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